

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF  
PENNSYLVANIA**

<b>IN RE: NATIONAL FOOTBALL</b>	)	<b>No. 2:12-md-02323</b>
<b>LEAGUE PLAYERS’</b>	)	<b>MDL No. 2323</b>
<b>CONCUSSION</b>	)	
<b>INJURY LITIGATION</b>	)	
	)	
	_)	
This relates to:	)	<b>PETITION TO ESTABLISH</b>
	)	<b>ATTORNEY’S LIEN</b>
Plaintiffs’ Master Administrative Long	)	
Form Complaint and (if applicable)	)	
	)	
	)	
<b>This document relates to:</b>	)	
Miguel [Mike] Flores Settlement	)	
Program # 10004914	)	
	)	
	)	

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Now, comes, the Petitioner, Thomas J. Preuss for Wagstaff & Cartmell, LLP (“W&C Preuss”), pursuant to MO Rev Stat § 484.140 and executed employment contract section titled “Termination of this Agreement,” and states as follows:

- (1) The Petitioner is an attorney at law admitted to practice before the courts of this state, and files this Petition to establish his lien for attorney’s fees as set forth hereinafter.
- (2) On or about October 3, 2016, Petitioner was retained and employed by the Plaintiff, Miguel [Mike] Flores, pursuant to a contingent fee agreement,

to pursue a claim for injuries and damages related thereto possibly caused by the National Football League's and all other responsible parties' liability for former and/or retired NFL players' long-term brain injuries and other head injuries and damages associated with football-related concussions, head and brain injuries i.e., The *In re: National Football League Players' Concussion Injury Litigation* class action settlement.

(3) The specifics of the contingent fee agreement are as follows:

- a) [T]o represent me and institute proceedings for damages against NFL or any other person, firm, or corporation liable therefore, resulting from games played that occurred on or about 1991-1996.
- b) For services rendered and to be rendered, I set over and assign to my attorneys an undivided contingent interest in said claim in the following percentages: 25% of the total amount of recover if resolved under the NFL Concussion Settlement Program.
- c) All costs and expenses of case preparation or litigation, if any, advanced by the attorney shall be reimbursed to the attorney by the client out of the client's share of any recovery remaining after deduction of attorney's fees.

- (4) From the date the Petitioner was authorized to proceed on behalf of the Plaintiffs, the Petitioner has actively and diligently applied himself to the investigation, preparation, and pursuit of Plaintiffs' claims, and has taken all steps necessary to prosecute those claims, including, but not limited to, correspondence and communications with the client, review of medical records and other documents related to Plaintiff's case, contacting health care professionals for a Neurology and Neuropsychological examination with travel arrangements and paying for same, preparation and registration into the NFL concussion settlement. See attached Exhibit A.
- (5) The Plaintiff has recently discharged the Petitioner as his attorney in this matter, and it is expected that a new attorney will shortly be entering an appearance for the Plaintiff in this action.
- (6) The Petitioner was not terminated by the Plaintiff for cause, and the termination was not due to any malfeasance or other improper action on the part of the Petitioner.
- (7) The Petitioner claims the right to have a lien for attorney expenses established.

WHEREFORE, the Petitioner prays:

- (1) That his attorney's lien be determined;
- (2) That the amount of the lien be established;
- (3) That the Court order that the Petitioner be entitled to enforce his attorney's lien against the proceeds to be derived from any settlement or judgment in this action;
- (4) That the Defendant or the Defendant's insurer be prohibited from paying to
- (5) the Plaintiff any sums of money until said lien has been satisfied;

Dated: April 21, 2017

Respectfully submitted,

Wagstaff & Cartmell, LLP

/s/ Thomas J. Preuss

Thomas J. Preuss

MO Bar # 54923

Wagstaff & Cartmell LLP

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Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing *Petition to Establish Attorney's Lien* to be served via the Electronic Case Filing (ECF) system in the United States District Court for the Eastern District of Pennsylvania, on all parties registered for CM/ECF in the litigation.

DATED: April 21, 2017

Respectfully submitted,

Wagstaff & Cartmell, LLP

/s/ Thomas J. Preuss

Thomas J. Preuss

MO Bar # 54923

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## Exhibit A

# Wagstaff & Cartmell, LLP

## Listing

Date	Prof	Matter ID/Client Sort Matter Description Narrative	Activity Code	Component Task Code	Units	Price	Value	Ext. Amt.
12/08/2016		949-41/ NFL Concussion Cases Flores, Mike (NFL Concussion) Neurobehavioral Associates of Mississippi LLC - Neuropsych Evaluation		SVF	1.00	1,000.00	1,000.00	1,000.00
12/16/2016		949-41/ NFL Concussion Cases Flores, Mike (NFL Concussion) Thomas Preuss American Express - Travel Miguel Flores Jackson MS 12/16- 12/17/17 Neuropsychological Exam Delta Airlines		TRV	1.00	644.73	644.73	644.73
12/16/2016		949-41/ NFL Concussion Cases Flores, Mike (NFL Concussion) Thomas Preuss American Express - Travel Miguel Flores Jackson MS 12/16- 12/17/17 Neuropsychological Exam Lodging		TRV	1.00	152.84	152.84	152.84
01/03/2017		949-41/ NFL Concussion Cases Flores, Mike (NFL Concussion) Neurobehavioral Associates of Mississippi LLC - Individual Medical Exam, Expert Case Review		CR	1.00	2,700.00	2,700.00	2,700.00
<b>Grand Total:</b>					4.00		\$4,497.57	\$4,497.57